

ESTTA Tracking number: **ESTTA709385**

Filing date: **11/18/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91224287
Party	Defendant Kabushiki Kaisha Nibariki
Correspondence Address	MARK SOMMERS FINNEGAN HENDERSON FARABOW GARRETT & DUNNER, LLP 901 NEW YORK AVE NW WASHINGTON, DC 20001-4432 UNITED STATES docketing@finnegan.com, mark.sommers@finnegan.com, TTAB-Legal-Assistants@finnegan.com
Submission	Other Motions/Papers
Filer's Name	Mark Sommers
Filer's e-mail	docketing@finnegan.com, mark.sommers@finnegan.com, mor-gan.smith@finnegan.com, TTAB-Legal-Assistants@finnegan.com
Signature	/Mark Sommers/
Date	11/18/2015
Attachments	11-18-15 Applicant's Motion to Suspend Deadline to Answer Opposition.pdf(92090 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>HANDLE ONLY WITH LOVE, LLC</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>KABUSHIKI KAISHA NIBARIKI</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.: 91224287</p> <p>Mark: HOWL'S MOVING CASTLE</p> <p>Application No.: 86314157</p> <p>Filing Date: June 19, 2014</p>
--	--

APPLICANT'S MOTION TO SUSPEND DEADLINE TO ANSWER OPPOSITION

Kabushiki Kaisha Nibariki's ("Applicant") deadline to respond to Handle Only With Love, LLC's ("Opposer") Notice of Opposition is currently set for November 18, 2015.

Applicant respectfully requests that the deadline for its Answer be suspended pending disposition of its Motion to Partially Dismiss Opposition for Failure to State a Claim.

Trademark Rule 2.127(d) provides that when a party files a motion that is potentially dispositive of the claims of a proceeding, the Board will suspend matters not germane to the motion. 37 C.F.R. § 2.127(d); TBMP § 510 ("When any party files a motion to dismiss . . . the case will be suspended by the Trademark Trial and Appeal Board with respect to all matters not germane to the motion"). Further, the Board has discretion to suspend proceedings for a showing of good cause under 37 C.F.R. § 2.117(c) and TBMP § 510.

Because Applicant's motion to dismiss is potentially dispositive of two of Opposer's three claims (specifically its likelihood of confusion and dilution claims), Applicant

respectfully requests that the Board suspend Applicant's deadline to answer the Notice of Opposition pending disposition of the motion to dismiss.

Respectfully submitted,

Dated: November 18, 2015

/Mark Sommers/
Mark Sommers
Morgan E. Smith
FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER, L.L.P.
901 New York Ave., N.W.
Washington, D.C. 20001
(202) 408-4000

Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2015, a true and correct copy of the foregoing MOTION TO SUSPEND DEADLINE TO ANSWER OPPOSITION was served by United States first class mail, postage prepaid, on counsel for Opposer at the following address of record:

Christopher A. DiSchino, Esq.
DiSchino & Company, PLLC
1201 Brickell Avenue, Suite 600
Miami, FL 33131


